
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: November 1, 2006

SITE PLAN: **SP-00-0010**

TITLE: Ryan Property - 17 Walker Avenue

REQUEST: **FINAL PLAN APPROVAL**
For garage replacement – Alteration to a non-conforming structure

ZONE: R-90 (Medium Density Residential)

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Applicant/Owner: Karyn Ryan

STAFF PERSON: Jacqueline Marsh, Planner

Enclosures:

Staff Comments

Exhibit 1: Site location map

Exhibit 2: Application

Exhibit 3: House location plat showing location of garage

Exhibit 4: Photographs of existing garage

Exhibit 5: Proposed garage elevations

Exhibit 6: Updated north elevation of garage

Exhibit 7: Example style of new garage door

Exhibit 8: §24-21.1 of the City's Zoning Ordinance

Exhibit 9: DRAFT minutes from October 5, 2006 HPAC meeting

STAFF COMMENTS

Site plan SP-06-0010, submitted by Karyn Ryan, is a request for the replacement of an existing garage at 17 Walker Avenue. The subject property is located north of Brookes Avenue, east of North Frederick Avenue, west of Russell Avenue, and south of Maryland Avenue (Exhibit #2). The property is also in the Brookes, Russell, Walker Historic District, located in the R-90 (Medium Density Residential) Zone. The reason this request has been labeled a site plan is because there is no existing site plan for the Russell and Brookes subdivision. This is a request to alter a nonconforming structure.

It has been determined the existing garage at 17 Walker Avenue is a nonconforming structure and requires Planning Commission approval to be replaced. The garage is nonconforming because it is less than one foot from the side property line (Exhibit #3). Section 24-21.1. - "Enlargement, relocation, replacement, repair or alteration of nonconforming structures" states:

"Anything to the contrary in this chapter notwithstanding, the planning commission shall be authorized to permit any nonconforming structure, or any structure occupied by a nonconforming use, to be enlarged, relocated, replaced, repaired or structurally altered in any zone upon a finding by the commission that such work will not adversely affect the use or development of any other property, upon such conditions as the commission shall find necessary to avoid such adverse effect."

This section of the City's Zoning Ordinance allows the Planning Commission to approve the replacement of the garage in its existing location. If the garage was new construction, it would have to be placed at least two feet away from the property line, as per §24-163(b)(4).

The garage is 16.2 feet wide by 23.3 feet long (a total of 377.46 square feet). The new garage is the same size and going to be located in the same location as the existing garage. It is not proposed to be enlarged or be placed in a different footprint. It will have hardi-plank siding and asphalt shingles, both of which will match the house. Exhibits #5 and #6 show the garage elevations.

The garage received a recommendation for approval from the Historic Preservation Advisory Committee (HPAC) on October 5, 2006, meeting (Exhibit #9). Following the Planning Commission decision, the Historic District Commission (HDC) must grant final approval.

Conclusion. Staff recommends granting **SP-06-0010, 17 Walker Avenue, FINAL PLAN APPROVAL, FINDING IT IN COMPLIANCE WITH §§ 24-170 and 24-21.1, WITH THE FOLLOWING CONDITION:**

- 1. Applicant must receive final approval for the garage by the HDC.**

SP-06-0010 17 Walker Avenue



17 Walker Avenue

SP-06-0010
#1
PENICAD 800-831-6989

City of Gaithersburg • 31 South Summit Avenue • Gaithersburg, Maryland 20877 • Telephone: 301-258-6330 • Fax: 301-258-6336
 plancode@gaitthersburgmd.gov • www.gaithersburgmd.gov

SITE PLAN APPLICATION

In accordance with Article III, Division 19, Section 24-160 D.9
 and Article V of the City Code

Application #	SP-06-0010
Date Filed	10/6/06
Total Fee	\$100.00

☐ CONCEPT

☐ PRELIMINARY

☒ FINAL (MXD FEE APPLIES) - Alteration of a nonconforming structure

☐ SCHEMATIC DEVELOPMENT

1. SUBJECT PROPERTY

Project Name 17 Walker Avenue
 Street Address 17 Walker Avenue
 Zoning B-90 Historic area designation ☒ Yes ☐ No
 Lot 17 Block _____ Subdivision Brookes, Russell, Walker
 Tax Identification Number (must be filled in) _____

2. APPLICANT

Name Mark & Karyn Ryan
 Street Address 17 Walker Avenue Suite No. _____
 City Gaithersburg State MD Zip Code 20877
 Telephones: Work _____ Home 301-947-7920

3. CITY PROJECT NUMBER

Original Site Plan Number (if applicable) N/A
 Name of previously approved Final Plan (if applicable) N/A

4. ARCHITECT/ENGINEER/DEVELOPER

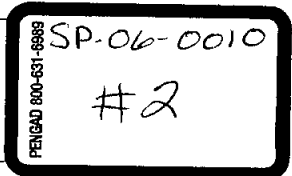
Architect's Name _____
 Architect's Maryland Registration Number _____ Telephone _____
 Street Address _____ Suite No. _____
 City _____ State _____ Zip Code _____

Engineer's Name _____
 Engineer's Maryland Registration Number _____ Telephone _____
 Street Address _____ Suite No. _____
 City _____ State _____ Zip Code _____

Developer's Name _____ Telephone _____
 Street Address _____ Suite No. _____
 City _____ State _____ Zip Code _____
 Contact Person _____

5. PROPERTY OWNER

Name Mark & Karyn Ryan
 Street Address 17 Walker Ave Suite No. _____
 City Gaithersburg State MD Zip Code 20877
 Telephones: Work _____ Home 301-947-7920



6. PRIMARY USE☐ Mixed Use☐ Non-Residential☒ Residential**7. PROPOSED UNIT TYPE**☐ Mixed Use☐ Office/Professional☐ Restaurant☐ Retail/Commercial☐ Residential Multi-Family☐ Residential Single Family☒ Other**8. WORK DESCRIPTION**Replacing garage - identical footprint & style**9. PROJECT DETAIL INFORMATION.** Please supply the following information.

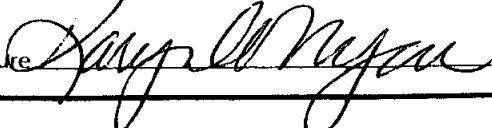
DEVELOPMENT INFORMATION		REQUIRED	PROVIDED
1. Site (square feet)			
2. Site Area (acres)			
3. Total Number of Dwelling Units/Lots			
4. Height of Tallest Building			
5. Green Area (square feet)			
6. Number of Dwelling Units/Acre			
7. Lot Coverage (percent)			
8. Green Area (percent)			
9. Residential			
a. Single Family Detached	# Units		
b. Single Family Attached	# Units		
c. Multi-Family Condo	# Units		
d. Multi-Family Apartment	# Units		
e. Other			
10. Retail/Commercial	Sq. Ft.		
11. Restaurant Class: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C	Sq. Ft.		
12. Office/Professional	Sq. Ft.		
13. Warehouse/Storage	Sq. Ft.		
14. Parking			
15. Shared Parking/Waiver			
16. Other			
17. Totals			

10. SUBMISSION REQUIREMENTS

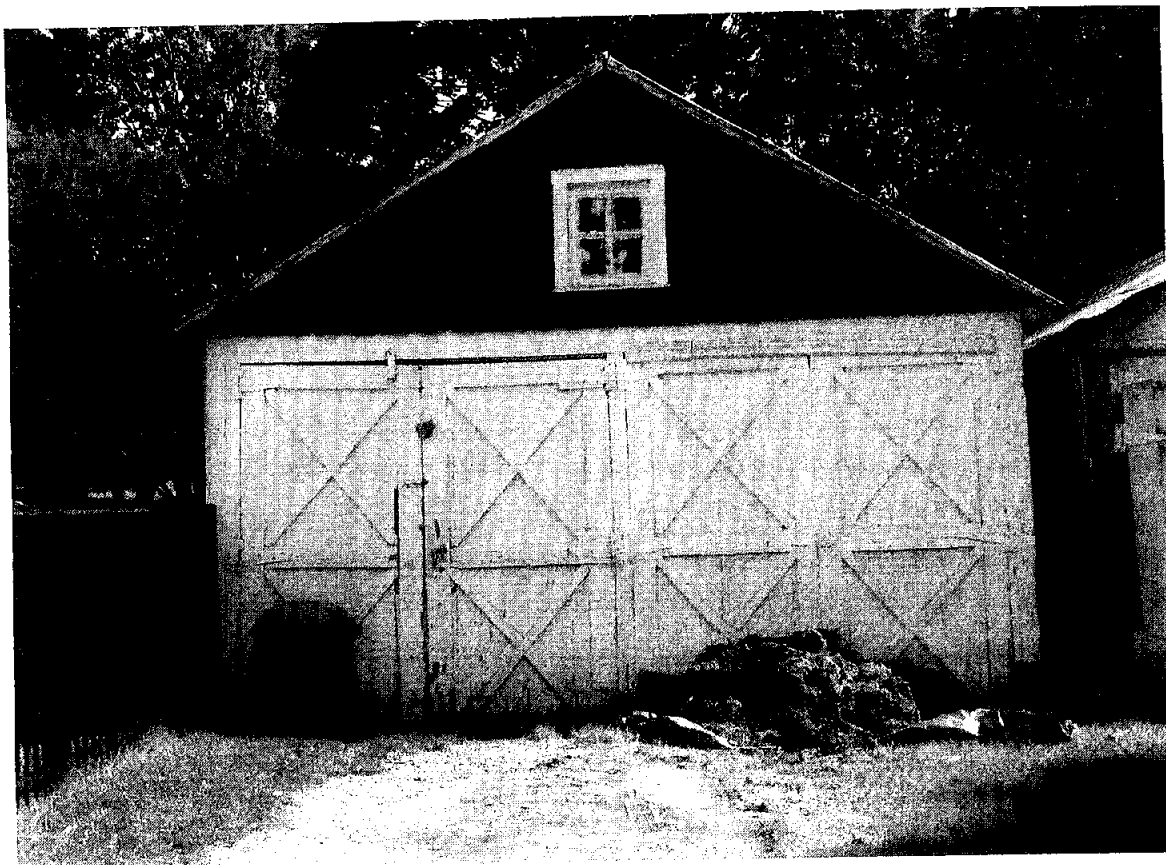
- Set of plans per the respective checklist. Plans must be folded to 8 1/2 x 11."
- Completion of the table above.
- Completed checklist.
- Fee as applicable.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicants Name (please print) KARYN A. RYAN Telephone 301 947 7920

Applicant's Signature  Date 10/05/00

Existing Garage located at 17 Walker Avenue



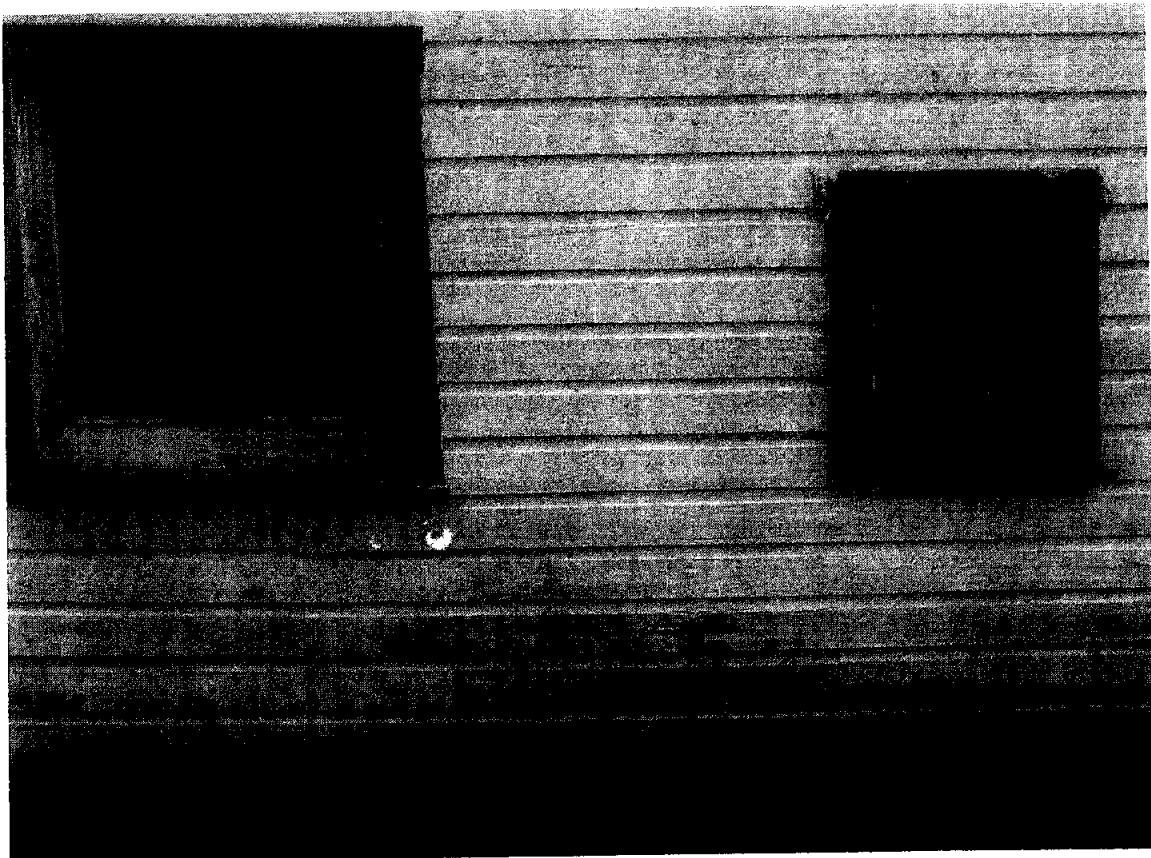
Front View of Existing Garage



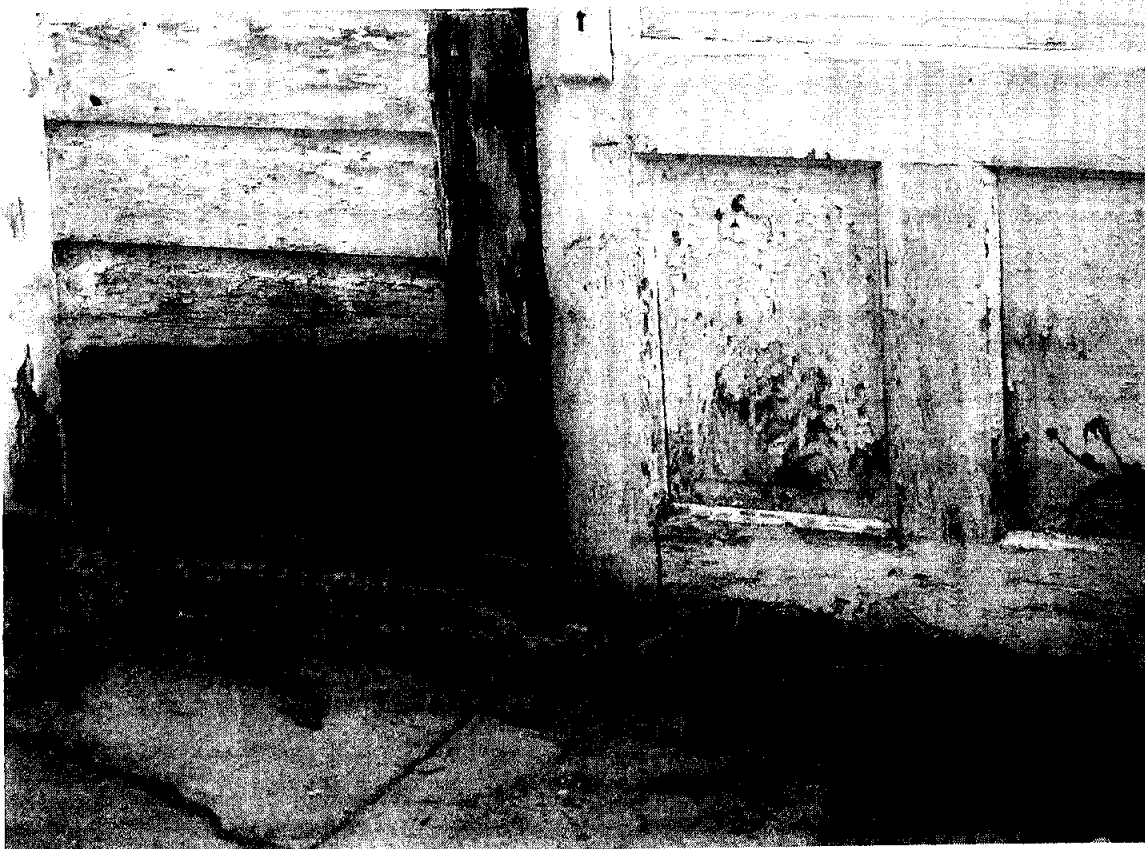
Side View of Existing Garage

SP-06-0010
#4
PENGAD 800-631-6989

HPAC 10-5-06
HAWP-56E
#3
PENGAD 800-631-6989



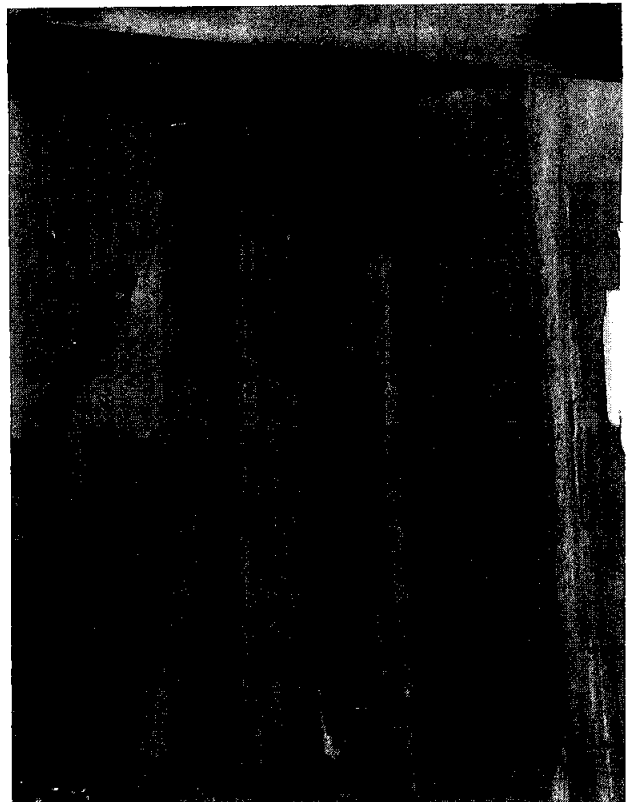
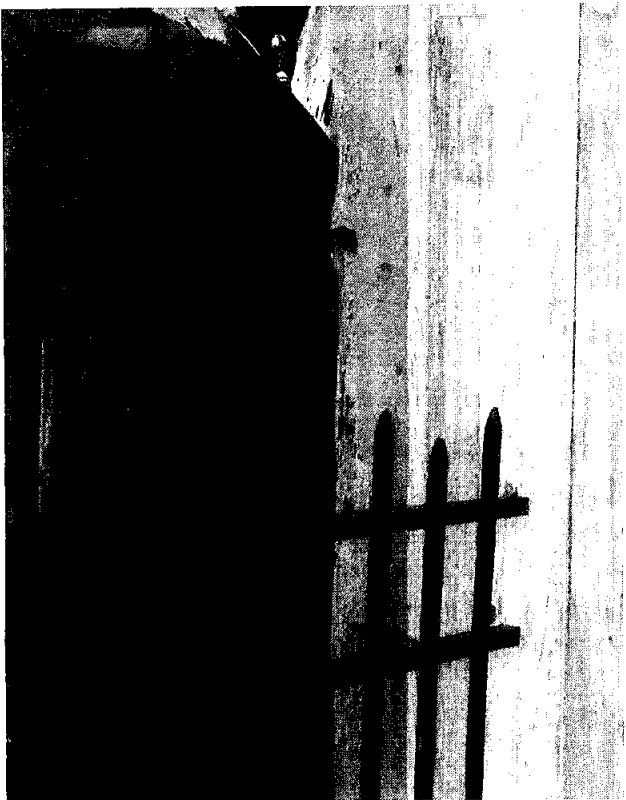
Side View – showing deterioration of garage



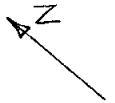
Side View – showing deterioration of garage near rear door



Rear View of Existing Garage



Exterior & interior views of deteriorated plywood wall adjacent to neighbors garage (@15 Walker Ave.).



A - 1

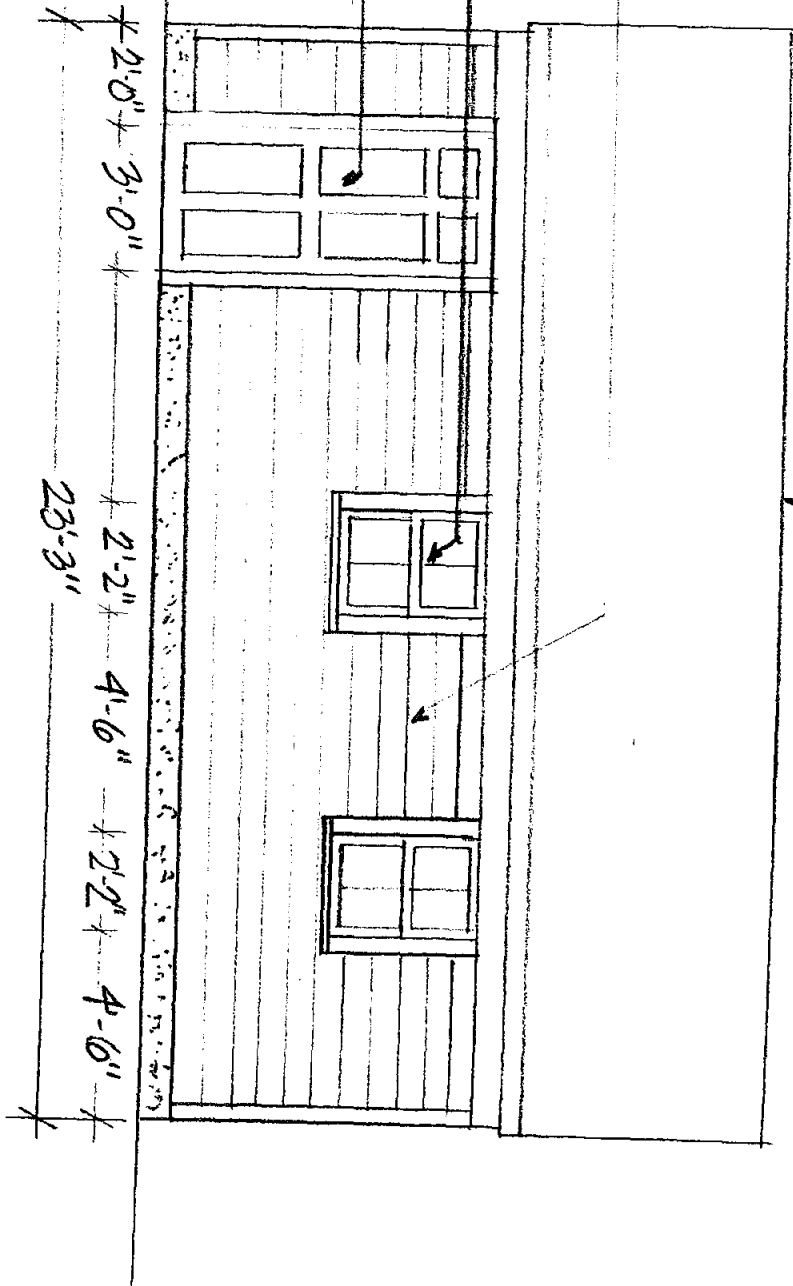
HORIZONTAL PLANK SIDING
TO MATCH HOUSE

2'-2" x 3'-1" DOUBLE-HUNG
ANDERSEN WINDOWS

3'-0" x 6'-8" PANELED
DOOR TO MATCH REAR
DOORS

GRADE

ROOF SHINGLES TO MATCH EXISTING HOUSE



NORTH ELEVATION

GARAGE - 17 WILKINSON AVE.

PENGAD 800-631-6989

6

SP-06-0010

17 WILKINSON AVE

The Genuine. The Original.



STYLE OF
NEW GARAGE
DOOR.

Facade	Door Size	Door Series	Door Cons
A black and white photograph of a white garage door with two sets of windows at the top. The door is set into a brick wall. A large bracket on the right side of the door indicates the "Style of New Garage Door".			
Current Specifications			
Door Size: 8 foot		Door Color:	
Door Series: Renaissance Collection		Panel Style:	
Construction: Renaissance Collection		D	
Window Style: Stockbridge		V	

SP-06-0010
#7

- (e) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the zone in which it is located.
- (f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. No. O-2-65, art. 1, § 4; Ord. No. O-18-82, § 1)

Sec. 24-20. Repairs and maintenance.

On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement value of the structure; provided, that the cubic content of the structure shall not be increased.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. No. O-2-65, art. 1, § 4)

Sec. 24-21. Uses under exception provisions not nonconforming uses.

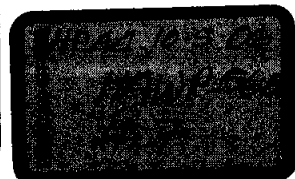
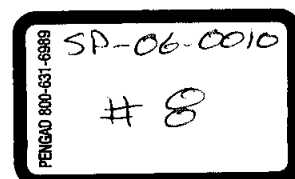
Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such zone.

(Ord. No. O-2-65, art. 1, §4)

Sec. 24-21.1. Enlargement, relocation, replacement, repair or alteration of nonconforming structures.

Anything to the contrary in this chapter notwithstanding, the planning commission shall be authorized to permit any nonconforming structure, or any structure occupied by a nonconforming use, to be enlarged, relocated, replaced, repaired or structurally altered in any zone upon a finding by the commission that such work will not adversely affect the use or development of any other property, upon such conditions as the commission shall find necessary to avoid such adverse effect.

(Ord. No. O-07-78)



CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877

DRAFT

**MINUTES OF THE
HISTORIC PRESERVATION ADVISORY COMMITTEE
OCTOBER 5, 2006**

Chairman Arkin called the meeting to order at 7:30 p.m. Members present: Vice Chair Cathy Drzyzgula, Member Ronda Bernstein (arrived at 7:37 p.m.), Joe Coratola and Warren Johnson. Absent: Erin Moyer. Staff Present: Patricia Patula, Planner, Jacqueline Marsh, Planner, and Charlene Milton, Recording Secretary.

I. DISCUSSION ITEMS

Chairman Arkin stated the Historic District Commission is having a special meeting on October 9, 2006 to discuss HAWP-37E, Applicant Mr. Halici, Demolition Request of the Hair Bar (Talbot House). The next regular scheduled hearing for the Historic District Commission is October 16, 2006.

Chairman Arkin requested the minutes of August and September be discussed after the public hearings.

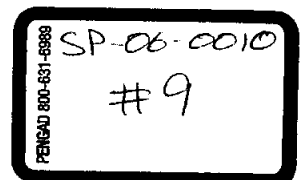
(Member Ronda Bernstein arrives at 7:37 p.m.)

II. PUBLIC HEARINGS

1. HAWP-56E Applicant: Karyn and Mark Ryan
17 Walker Avenue
Request: Replacement Garage

Planner Jacqueline Marsh stated the public hearing was advertised in the September 27, 2006 issue of the *Gaithersburg Gazette*, the property posted, and 17 exhibits were in the record file. An additional exhibit, Exhibit 17, depicts a new elevation of the North elevation of the garage. The property is a contributing resource to the Brookes/Russell/Walker Historic District.

Ms. Karyn Ryan, applicant, stated the application is for replace the existing garage in a like manner. The existing garage is in very bad disrepair and beyond salvaging. The applicant would like to tear down the existing garage, pour a concrete slab, and place a concrete wall on the wall adjoining the adjacent property. The exterior of the new garage will be hardiplank lap siding to match the new addition that was approved two months ago, the roof will match the existing house. The main change is the two carriage style doors which are currently not eight feet wide and replace with a roll-up door that looks like a carriage type door. The structure itself is not wide enough to put two doors to match the existing garage. The roll-up door was chosen because the applicant may chose to park a vehicle in the garage in the future.



Chairman Arkin inquired if the new garage will be the same dimension as the existing garage.

Ms. Ryan stated yes.

Member Drzyzgula inquired if the shingles in the gables are semititious or wood.

Ms. Ryan stated the shingles would be semititious.

Member Arkin inquired about the difference in style of the shingles in the front of the garage as the current shingles are shell shaped and the drawing depicts rectangular shingles. He also inquired if any history of the building was known.

Ms. Ryan stated they are currently asphalt shingles on the front of the garage and not sure what period they may have been attached. She suggested maybe the forties or fifties era.

Member Coratola inquired in the placement of the garage precluded the overhangs of the right side of the roof as it is shown in the drawing.

Ms. Ryan stated the reason for the tight overhangs was because there is only a foot to a foot and a half between their property and the adjacent garage. Water is the major issue as there aren't any gutters currently on the roof which is causing both structures to deteriorate and the builder is trying to keep the roof symmetrical.

Mr. Mike Stumburg, 15 Walker Avenue, fully supports the applicant and intends on replacing his garage as well. His property is the adjacent garage and he and the applicant have discussed the possibilities of replacing the garages.

Member Arkin inquired if he was the owner on the property side or the garage side. He also inquired about the overhang and the impact it may have on his garage.

Mr. Stumburg stated he owns the garage that is one foot from the applicant's garage and his garage is in an equal state or disrepair. He stated he is in favor of the limited overhang and he would also have a limited overhang when he replaces his garage.

Member Drzyzgula stated if the overhangs were limited then it would be possible to put a ladder in between the two garages if one needed to access the roof.

Member Arkin inquired if the applicant has considered relocating the garage a foot or two to allow more space between the two garages.

Ms. Ryan stated they considered the possibility but then the garage would be closer to the house. The applicant also stated if they had proposed relocating the garage, the process for approval may have been more difficult because it is so close to the property line.

Member Coratola also mentioned there would more than likely be an access problem.

Member Drzyzgula stated the application met the guidelines for placement; the garage is being built with the same appearance as the existing garage, the semititious replacement of wood and disagrees with requiring extra space between the property lines because it ends up being yard space that can't be used. The yard is only sixty feet wide to start with and it makes a difference. She commended the effort put forth on the application.

Member Coratola also commended the applicant in the extent they went to replicate the existing the garage while maintaining modern use for it.

Member Bernstein inquired to the committee why the building was not in conformance.

Planner Marsh stated it is because of the location of the garage. Garages must be three feet away from the property line.

Member Johnson agreed with the before mentioned and sees no problem with the application.

Member Arkin addressed the applicant and Mr. Stromburg if the present location of the garage satisfied them with the adequate space between their garages as to maintain each of their garages.

Member Bernstein inquired if a single door could be placed on either side of the roll-up door to give the garage the appearance of the four doors that are on the existing garage and still keep its usefulness. She also verified if the committee was to ask for specification of the shingles to be exactly as they appear now, would that be a problem.

Ms. Ryan said they proposed the roll-up carriage style door because of support issues. The door on each end would need support and will have to be smaller in size. The appearance will not be the same if the additional two doors would be added. The current shingles on the garage are asphalt and would like to replace them with cedar shakes as the house has. She asked the committee if they received the revised north elevation drawing which shows the door and two windows on the side versus the two windows.

Member Arkin inquired about the gable in the existing garage and if that would be replicated with the new garage. He stated he liked the charm with the four doors but understand it needs to be a functional garage. He didn't feel it was an essential part of the construction and the application was very commendable.

There was no other testimony presented in favor of or in opposition to the application.

Motion was made by member Drzyzgula, seconded by Member Bernstein, to close the public hearing on HAWP- 56E.

Vote: 5-0

Motion was made by Member Johnson, seconded by Member Coratola that HAWP-56E be recommended for approval finding the application in compliance with Secretary of Interior Standards

#9, which states that new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The application is also in compliance with Secretary of Interior Standards #6 which states that deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary physical or pictorial evidence. The proposed replacement of the deteriorated garage is the same dimension and encaptures the character of the existing structure. The new replacement garage is in compliance with the Brookes/Russell/Walker Historic District Guidelines.

VOTE: 5-0

III. COURTESY REVIEW

Applicant: Cheryl and Edward Hollier
10 Highland Avenue
Request for a New Garage